

111TH CONGRESS  
1ST SESSION

# H. R. 2857

To amend title 18, United States Code, to reduce violent gang crime and protect law-abiding citizens and communities from violent criminals, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 12, 2009

Mr. FORBES (for himself, Mr. BOOZMAN, Mr. SMITH of Texas, Mr. FRANKS of Arizona, and Mr. WOLF) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend title 18, United States Code, to reduce violent gang crime and protect law-abiding citizens and communities from violent criminals, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Gang Deterrence and  
5       Community Protection Act of 2009”.

1 **TITLE I—CRIMINAL LAW RE-**  
 2 **FORMS AND ENHANCED PEN-**  
 3 **ALTIES TO DETER AND PUN-**  
 4 **ISH ILLEGAL STREET GANG**  
 5 **ACTIVITY AND RELATED**  
 6 **CRIMINAL LAW REFORMS**

7 **SEC. 101. REVISION AND EXTENSION OF PENALTIES RE-**  
 8 **LATED TO CRIMINAL STREET GANG ACTIV-**  
 9 **ITY.**

10 (a) IN GENERAL.—Chapter 26 of title 18, United  
 11 States Code, is amended to read as follows:

12 **“CHAPTER 26—CRIMINAL STREET GANGS**

“Sec.

“521. Criminal street gang prosecutions.

13 **“§ 521. Criminal street gang prosecutions**

14 “(a) STREET GANG CRIME.—Whoever commits, or  
 15 conspires, threatens or attempts to commit, a gang crime  
 16 for the purpose of furthering the activities of a criminal  
 17 street gang, or gaining entrance to or maintaining or in-  
 18 creasing position in such a gang, shall, in addition to being  
 19 subject to a fine under this title—

20 “(1) if the gang crime results in the death of  
 21 any person, be sentenced to death or life in prison;

22 “(2) if the gang crime is kidnapping, aggra-  
 23 vated sexual abuse, or maiming, be imprisoned for  
 24 life or any term of years not less than 30;

1           “(3) if the gang crime is assault resulting in se-  
2           rious bodily injury (as defined in section 1365), be  
3           imprisoned for life or any term of years not less  
4           than 20; and

5           “(4) in any other case, be imprisoned for life or  
6           for any term of years not less than 10.

7           “(b) FORFEITURE.—

8           “(1) IN GENERAL.—The court, in imposing sen-  
9           tence on any person convicted of a violation of this  
10          section, shall order, in addition to any other sen-  
11          tence imposed and irrespective of any provision of  
12          State law, that such person shall forfeit to the  
13          United States such person’s interest in—

14               “(A) any property used, or intended to be  
15               used, in any manner or part, to commit, or to  
16               facilitate the commission of, the violation; and

17               “(B) any property constituting, or derived  
18               from, any proceeds the person obtained, directly  
19               or indirectly, as a result of the violation.

20           “(2) APPLICATION OF CONTROLLED SUB-  
21          STANCES ACT.—Subsections (b), (c), (e), (f), (g),  
22          (h), (i), (j), (k), (l), (m), (n), (o), and (p) of section  
23          413 of the Controlled Substances Act (21 U.S.C.  
24          853) shall apply to a forfeiture under this section as  
25          though it were a forfeiture under that section.

1       “(c) DEFINITIONS.—The following definitions apply  
2 in this section:

3           “(1) CRIMINAL STREET GANG.—The term  
4 ‘criminal street gang’ means a formal or informal  
5 group or association of 3 or more individuals, who  
6 commit 2 or more gang crimes (one of which is a  
7 crime of violence other than an offense punishable  
8 under subparagraphs (A), (B), or (C) of section  
9 401(b)(1) of the Controlled Substances Act), in 2 or  
10 more separate criminal episodes, in relation to the  
11 group or association, if any of the activities of the  
12 criminal street gang affects interstate or foreign  
13 commerce.

14           “(2) GANG CRIME.—The term ‘gang crime’  
15 means conduct constituting any Federal or State  
16 crime, punishable by imprisonment for more than  
17 one year, in any of the following categories:

18           “(A) A crime of violence.

19           “(B) A crime involving obstruction of jus-  
20 tice, tampering with or retaliating against a  
21 witness, victim, or informant, or burglary.

22           “(C) A crime involving the manufacturing,  
23 importing, distributing, possessing with intent  
24 to distribute, or otherwise dealing in a con-  
25 trolled substance or listed chemical (as those

1 terms are defined in section 102 of the Con-  
2 trolled Substances Act (21 U.S.C. 802)).

3 “(D) Any conduct punishable under sec-  
4 tion 844 (relating to explosive materials), sub-  
5 section (a)(1), (d), (g)(1) (where the underlying  
6 conviction is a violent felony (as defined in sec-  
7 tion 924(e)(2)(B) of this title) or is a serious  
8 drug offense (as defined in section  
9 924(e)(2)(A))), (g)(2), (g)(3), (g)(4), (g)(5),  
10 (g)(8), (g)(9), (i), (j), (k), (n), (o), (p), (q), (u),  
11 or (x) of section 922 (relating to unlawful acts),  
12 or subsection (b), (c), (g), (h), (k), (l), (m), or  
13 (n) of section 924 (relating to penalties), sec-  
14 tion 930 (relating to possession of firearms and  
15 dangerous weapons in Federal facilities), sec-  
16 tion 931 (relating to purchase, ownership, or  
17 possession of body armor by violent felons), sec-  
18 tions 1028 and 1029 (relating to fraud and re-  
19 lated activity in connection with identification  
20 documents or access devices), section 1952 (re-  
21 lating to interstate and foreign travel or trans-  
22 portation in aid of racketeering enterprises),  
23 section 1956 (relating to the laundering of  
24 monetary instruments), section 1957 (relating  
25 to engaging in monetary transactions in prop-

erty derived from specified unlawful activity), or sections 2312 through 2315 (relating to interstate transportation of stolen motor vehicles or stolen property).

“(E) Any conduct punishable under section 274 (relating to bringing in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to importation of alien for immoral purpose) of the Immigration and Nationality Act.

“(3) AGGRAVATED SEXUAL ABUSE.—The term ‘aggravated sexual abuse’ means an offense that, if committed in the special maritime and territorial jurisdiction would be an offense under section 2241(a).

“(4) STATE.—The term ‘State’ means each of the several States of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.”.

(b) AMENDMENT RELATING TO PRIORITY OF FORFEITURE OVER ORDERS FOR RESTITUTION.—Section 3663(c)(4) of title 18, United States Code, is amended by striking “chapter 46 or chapter 96 of this title” and inserting “section 521, under chapter 46 or 96,”.

1 (c) MONEY LAUNDERING.—Section 1956(c)(7)(D) of  
 2 title 18, United States Code, is amended by inserting “,  
 3 section 521 (relating to criminal street gang prosecu-  
 4 tions)” before “, section 541”.

5 **SEC. 102. INCREASED PENALTIES FOR INTERSTATE AND**  
 6 **FOREIGN TRAVEL OR TRANSPORTATION IN**  
 7 **AID OF RACKETEERING.**

8 (a) SUBSTANTIVE CHANGES TO OFFENSE.—Section  
 9 1952(a) of title 18, United States Code, is amended—  
 10 (1) so that the heading for the section reads as  
 11 follows:

12 **“§ 1952. Interstate or foreign commerce-related aid to**  
 13 **racketeering”;**

14 (2) by inserting “(1)” after “(a)”;

15 (3) by striking “travels” and all that follows  
 16 through “intent to” and inserting “, in or affecting  
 17 interstate or foreign commerce”;

18 (4) by striking “(1) distribute” and inserting  
 19 “(A) distributes”;

20 (5) by striking “(2) commit” and inserting  
 21 “(B) commits”;

22 (6) by striking “(3) otherwise promote, manage,  
 23 establish, carry on, or facilitate” and inserting “(C)  
 24 otherwise promotes, manages, establishes, carries on,  
 25 or facilitates”; and

1           (7) by striking “and thereafter” and all that  
2 follows through the end of the subsection and insert-  
3 ing the following:

4 “or attempts or conspires to do so, shall be punished as  
5 provided in paragraph (2).

6       “(2) The punishment for an offense under this sub-  
7 section is—

8           “(A) in the case of a violation of subparagraph  
9 (A) or (C) of paragraph (1), a fine under this title  
10 and imprisonment for not less than 5 nor more than  
11 20 years; and

12          “(B) in the case of a violation of subparagraph  
13 (B) of paragraph (1), a fine under this title and im-  
14 prisonment for not less than 10 nor more than 30  
15 years, but if death results the offender shall be sen-  
16 tenced to death, or to imprisonment for any term of  
17 years or for life.”.

18       (b) CLERICAL AMENDMENT.—The item relating to  
19 section 1952 in the table of sections at the beginning of  
20 chapter 95 of title 18, United States Code, is amended  
21 to read as follows:

“1952. Interstate or foreign commerce-related aid to racketeering.”.

22 **SEC. 103. AMENDMENTS RELATING TO VIOLENT CRIME.**

23       (a) CARJACKING.—Section 2119 of title 18, United  
24 States Code, is amended—



1           (1) by striking “, with the intent to cause death  
2           or serious bodily harm” in the matter preceding  
3           paragraph (1);

4           (2) by inserting “or conspires” after “at-  
5           tempts” in the matter preceding paragraph (1);

6           (3) by striking “15” and inserting “20” in  
7           paragraph (1); and

8           (4) by striking “or imprisoned not more than  
9           25 years, or both” and inserting “and imprisoned  
10          not less than 10 years nor more than 30 years” in  
11          paragraph (2).

12          (b) CLARIFICATION OF ILLEGAL GUN TRANSFERS TO  
13          COMMIT DRUG TRAFFICKING CRIME OR CRIMES OF VIO-  
14          LENCE.—Section 924(h) of title 18, United States Code,  
15          is amended to read as follows:

16          “(h) Whoever, in or affecting interstate or foreign  
17          commerce, knowingly transfers a firearm, knowing or in-  
18          tending that the firearm will be used to commit, or pos-  
19          sessed in furtherance of, a crime of violence or drug traf-  
20          ficking crime, shall be fined under this title and impris-  
21          oned not less than 5 years nor more than 20 years.”.

22          (c) AMENDMENT OF SPECIAL SENTENCING PROVI-  
23          SION RELATING TO LIMITATIONS ON CRIMINAL ASSOCIA-  
24          TION.—Section 3582(d) of title 18, United States Code,  
25          is amended—

1 (1) by inserting “section 521 (criminal street  
2 gang prosecutions), in” after “felony set forth in”;

3 (2) by striking “specified person, other than his  
4 attorney, upon” and inserting “specified person  
5 upon”; and

6 (3) by inserting “a criminal street gang or” be-  
7 fore “an illegal enterprise”.

8 (d) CONSPIRACY PENALTY.—Section 371 of title 18,  
9 United States Code, is amended by striking “five” and  
10 inserting “20”.

11 **SEC. 104. INCREASED PENALTIES FOR USE OF INTERSTATE**  
12 **COMMERCE FACILITIES IN THE COMMISSION**  
13 **OF MURDER-FOR-HIRE AND OTHER FELONY**  
14 **CRIMES OF VIOLENCE.**

15 (a) IN GENERAL.—Section 1958 of title 18, United  
16 States Code, is amended—

17 (1) by striking the section heading and insert-  
18 ing the following:

19 **“§ 1958. Use of interstate commerce facilities in the**  
20 **commission of murder-for-hire and other**  
21 **felony crimes of violence”;**

22 (2) in subsection (a), by inserting “or other  
23 crime of violence, punishable by imprisonment for  
24 more than one year,” after “intent that a murder”;  
25 and

1           (3) in subsection (a), by striking “shall be  
2       fined” the first place it appears and all that follows  
3       through the end of such subsection and inserting the  
4       following:

5       “shall, in addition to being subject to a fine under this  
6       title—

7           “(1) if the crime of violence or conspiracy re-  
8       sults in the death of any person, be sentenced to  
9       death or life in prison;

10          “(2) if the crime of violence is kidnapping, ag-  
11       gravated sexual abuse (as defined in section 521), or  
12       maiming, or a conspiracy to commit such a crime of  
13       violence, be imprisoned for life or any term of years  
14       not less than 30;

15          “(3) if the crime of violence is an assault, or a  
16       conspiracy to assault, that results in serious bodily  
17       injury (as defined in section 1365), be imprisoned  
18       for life or any term of years not less than 20; and

19          “(4) in any other case, be imprisoned for life or  
20       for any term of years not less than 10.”.

21       (b) CLERICAL AMENDMENT.—The item relating to  
22       section 1958 in the table of sections at the beginning of  
23       chapter 95 of title 18, United States Code, is amended  
24       to read as follows:

“1958. Use of interstate commerce facilities in the commission of murder-for-  
hire and other felony crimes of violence.”.

1 **SEC. 105. INCREASED PENALTIES FOR VIOLENT CRIMES IN**  
2 **AID OF RACKETEERING ACTIVITY.**

3 (a) OFFENSE.—Section 1959(a) of title 18, United  
4 States Code, is amended to read as follows:

5 “(a) Whoever commits, or conspires, threatens, or at-  
6 tempts to commit, a crime of violence for the purpose of  
7 furthering the activities of an enterprise engaged in rack-  
8 eteering activity, or for the purpose of gaining entrance  
9 to or maintaining or increasing position in, such an enter-  
10 prise, shall, unless the death penalty is otherwise imposed,  
11 in addition and consecutive to the punishment provided  
12 for any other violation of this chapter and in addition to  
13 being subject to a fine under this title—

14 “(1) if the crime of violence results in the death  
15 of any person, be sentenced to death or life in pris-  
16 on;

17 “(2) if the crime of violence is kidnapping, ag-  
18 gravated sexual abuse (as defined in section 521), or  
19 maiming, be imprisoned for life or any term of years  
20 not less than 30;

21 “(3) if the crime of violence is assault resulting  
22 in serious bodily injury (as defined in section 1365),  
23 be imprisoned for life or for any term of years not  
24 less than 20; and

25 “(4) in any other case, be imprisoned for life or  
26 for any term of years not less than 10.”.

1 (b) VENUE.—Section 1959 of title 18, United States  
 2 Code, is amended by adding at the end the following:

3 “(c) A prosecution for a violation of this section may  
 4 be brought in—

5 “(1) the judicial district in which the crime of  
 6 violence occurred; or

7 “(2) any judicial district in which racketeering  
 8 activity of the enterprise occurred.”.

9 **SEC. 106. MURDER AND OTHER VIOLENT CRIMES COM-**  
 10 **MITTED DURING AND IN RELATION TO A**  
 11 **DRUG TRAFFICKING CRIME.**

12 (a) IN GENERAL.—Part D of the Controlled Sub-  
 13 stances Act (21 U.S.C. 841 et seq.) is amended by adding  
 14 at the end the following:

15 “MURDER AND OTHER VIOLENT CRIMES COMMITTED  
 16 DURING AND IN RELATION TO A DRUG TRAFFICKING  
 17 CRIME

18 “SEC. 424. (a) IN GENERAL.—Whoever commits, or  
 19 conspires, or attempts to commit, a crime of violence dur-  
 20 ing and in relation to a drug trafficking crime, shall, un-  
 21 less the death penalty is otherwise imposed, in addition  
 22 and consecutive to the punishment provided for the drug  
 23 trafficking crime and in addition to being subject to a fine  
 24 under this title—

1           “(1) if the crime of violence results in the death  
2           of any person, be sentenced to death or life in pris-  
3           on;

4           “(2) if the crime of violence is kidnapping, ag-  
5           gravated sexual abuse (as defined in section 521), or  
6           maiming, be imprisoned for life or any term of years  
7           not less than 30;

8           “(3) if the crime of violence is assault resulting  
9           in serious bodily injury (as defined in section 1365),  
10          be imprisoned for life or any term of years not less  
11          than 20; and

12          “(4) in any other case, be imprisoned for life or  
13          for any term of years not less than 10.

14          “(b) VENUE.—A prosecution for a violation of this  
15          section may be brought in—

16               “(1) the judicial district in which the murder or  
17               other crime of violence occurred; or

18               “(2) any judicial district in which the drug traf-  
19               ficking crime may be prosecuted.

20          “(c) DEFINITIONS.—As used in this section—

21               “(1) the term ‘crime of violence’ has the mean-  
22               ing given that term in section 16 of title 18, United  
23               States Code; and

1 “(2) the term ‘drug trafficking crime’ has the  
 2 meaning given that term in section 924(c)(2) of title  
 3 18, United States Code.”.

4 (b) CLERICAL AMENDMENT.—The table of contents  
 5 for the Comprehensive Drug Abuse Prevention and Con-  
 6 trol Act of 1970 is amended by inserting after the item  
 7 relating to section 423, the following:

“Sec. 424. Murder and other violent crimes committed during and in relation  
 to a drug trafficking crime.”.

8 **SEC. 107. MULTIPLE INTERSTATE MURDER.**

9 (a) OFFENSE.—Chapter 51 of title 18, United States  
 10 Code, is amended by adding at the end the following new  
 11 section:

12 **“§ 1123. Use of interstate commerce facilities in the**  
 13 **commission of multiple murder**

14 “(a) IN GENERAL.—Whoever travels in or causes an-  
 15 other (including the intended victim) to travel in interstate  
 16 or foreign commerce, or uses or causes another (including  
 17 the intended victim) to use the mail or any facility of inter-  
 18 state or foreign commerce, or who conspires or attempts  
 19 to do so, with intent that 2 or more intentional homicides  
 20 be committed in violation of the laws of any State or the  
 21 United States shall, in addition to being subject to a fine  
 22 under this title—

23 “(1) if the offense results in the death of any  
 24 person, be sentenced to death or life in prison;

1           “(2) if the offense results is assault resulting in  
2           serious bodily injury (as defined in section 1365), be  
3           imprisoned for life or any term of years not less  
4           than 20; and

5           “(3) in any other case, be imprisoned for life or  
6           for any term of years not less than 10.

7           “(b) DEFINITION.—The term ‘State’ means each of  
8           the several States of the United States, the District of  
9           Columbia, and any commonwealth, territory, or possession  
10          of the United States.”.

11          (b) CLERICAL AMENDMENT.—The table of sections  
12          at the beginning of chapter 51 of title 18, United States  
13          Code, is amended by adding at the end the following:

“1123. Use of interstate commerce facilities in the commission of multiple murder.”.

14          **SEC. 108. ADDITIONAL RACKETEERING ACTIVITY.**

15          Section 1961(1) of title 18, United States Code, is  
16          amended—

17                 (1) in subparagraph (A), by inserting “, or  
18                 would have been so chargeable if the act or threat  
19                 had not been committed in Indian country (as de-  
20                 fined in section 1151) or in any other area of exclu-  
21                 sive Federal jurisdiction,” after “chargeable under  
22                 State law”; and

23                 (2) in subparagraph (B), by inserting “section  
24                 1123 (relating to interstate murder),” after “section



1       1084 (relating to the transmission of gambling in-  
2       formation),”.

3   **SEC. 109. EXPANSION OF REBUTTABLE PRESUMPTION**  
4                   **AGAINST RELEASE OF PERSONS CHARGED**  
5                   **WITH FIREARMS OFFENSES.**

6       Section 3142 of title 18, United States Code, is  
7       amended—

8               (1) in subsection (e), in the matter following  
9       paragraph (3), by inserting “an offense under sub-  
10      section (g)(1) (where the underlying conviction is a  
11      drug trafficking crime (as defined in section  
12      924(c))), (g)(2), (g)(4), (g)(5), (g)(8), or (g)(9) of  
13      section 922, or a crime of violence,” after “that the  
14      person committed”; and

15              (2) in subsection (g), by amending paragraph  
16      (1) to read as follows:

17              “(1) the nature and circumstances of the of-  
18      fense charged, including whether the offense is a  
19      crime of violence, or involves a controlled substance,  
20      firearm, explosive, or destructive devise;”.

21   **SEC. 110. VENUE IN CAPITAL CASES.**

22       Section 3235 of title 18, United States Code, is  
23       amended to read as follows:

1 **“§ 3235. Venue in capital cases**

2 “(a) The trial for any offense punishable by death  
3 shall be held in the district where the offense was com-  
4 mitted or in any district in which the offense began, con-  
5 tinued, or was completed.

6 “(b) If the offense, or related conduct, under sub-  
7 section (a) involves activities which affect interstate or for-  
8 eign commerce, or the importation of an object or person  
9 into the United States, such offense may be prosecuted  
10 in any district in which those activities occurred.”.

11 **SEC. 111. STATUTE OF LIMITATIONS FOR VIOLENT CRIME.**

12 (a) IN GENERAL.—Chapter 213 of title 18, United  
13 States Code, is amended by adding at the end the fol-  
14 lowing:

15 **“§ 3298. Violent crime offenses**

16 “No person shall be prosecuted, tried, or punished  
17 for any noncapital felony, crime of violence, including any  
18 racketeering activity or gang crime which involves any  
19 crime of violence, unless the indictment is found or the  
20 information is instituted not later than 15 years after the  
21 date on which the alleged violation occurred or the con-  
22 tinuing offense was completed.”.

23 (b) CLERICAL AMENDMENT.—The table of sections  
24 at the beginning of chapter 213 of title 18, United States  
25 Code, is amended by adding at the end the following:

“3298. Violent crime offenses.”.

1 **SEC. 112. MODIFICATION OF DEFINITION OF CRIME OF VIO-**  
2 **LENCE.**

3 Section 16(b) of title 18, United States Code, is  
4 amended to read as follows:

5 “(b) any other offense that is an offense pun-  
6 ishable by imprisonment for more than one year and  
7 that, by its nature, involves a substantial risk that  
8 physical force may be used against the person or  
9 property of another, or is an offense punishable  
10 under subparagraphs (A), (B), or (C) of section  
11 401(b)(1) of the Controlled Substances Act.”.

12 **SEC. 113. CLARIFICATION TO HEARSAY EXCEPTION FOR**  
13 **FORFEITURE BY WRONGDOING.**

14 Rule 804(b)(6) of the Federal Rules of Evidence is  
15 amended to read as follows:

16 “(6) FORFEITURE BY WRONGDOING.—A state-  
17 ment offered against a party who has engaged or ac-  
18 quiesced in wrongdoing, or who could reasonably  
19 foresee such wrongdoing would take place, if the  
20 wrongdoing was intended to, and did, procure the  
21 unavailability of the declarant as a witness.”.

22 **SEC. 114. INCREASED PENALTIES FOR CRIMINAL USE OF**  
23 **FIREARMS IN CRIMES OF VIOLENCE AND**  
24 **DRUG TRAFFICKING.**

25 (a) IN GENERAL.—Section 924(c) of title 18, United  
26 States Code, is amended—

1 (1) in paragraph (1)(A)—

2 (A) by striking “shall” and inserting “or  
3 conspires to commit any of the above acts,  
4 shall, for each instance in which the firearm is  
5 used, carried, or possessed”;

6 (B) in clause (i), by striking “5 years” and  
7 inserting “7 years”; and

8 (C) by striking clauses (ii) and (iii) and in-  
9 serting the following:

10 “(ii) if the firearm is discharged, be sen-  
11 tenced to a term of imprisonment of not less  
12 than 15 years; and

13 “(iii) if the firearm is used to wound, in-  
14 jure, or maim another person, be sentenced to  
15 a term of imprisonment of not less than 20  
16 years.”; and

17 (2) by striking paragraph (4).

18 (b) CONFORMING AMENDMENT.—Section 924 of title  
19 18, United States Code, is amended by striking subsection  
20 (o).

21 **SEC. 115. TRANSFER OF JUVENILES.**

22 The 4th undesignated paragraph of section 5032 of  
23 title 18, United States Code, is amended—

24 (1) by striking “A juvenile” where it appears at  
25 the beginning of the paragraph and inserting “Ex-

1       cept as otherwise provided in this chapter, a juve-  
2       nile”;

3           (2) by striking “as an adult, except that, with”  
4       and inserting “as an adult. With”; and

5           (3) by striking “However, a juvenile” and all  
6       that follows through “criminal prosecution.” at the  
7       end of the paragraph and inserting “The Attorney  
8       General may prosecute as an adult a juvenile who is  
9       alleged to have committed an act after that juve-  
10      nile’s 16th birthday which if committed by an adult  
11      would be a crime of violence that is a felony, an of-  
12      fense described in subsection (d), (i), (j), (k), (o),  
13      (p), (q), (u), or (x) of section 922 (relating to unlaw-  
14      ful acts), or subsection (b), (c), (g), (h), (k), (l), (m),  
15      or (n) of section 924 (relating to penalties), section  
16      930 (relating to possession of firearms and dan-  
17      gerous weapons in Federal facilities), or section 931  
18      (relating to purchase, ownership, or possession of  
19      body armor by violent felons). The decision whether  
20      or not to prosecute a juvenile as an adult under the  
21      immediately preceding sentence is not subject to ju-  
22      dicial review in any court. In a prosecution under  
23      that sentence, the juvenile may be prosecuted and  
24      convicted as an adult for any other offense which is  
25      properly joined under the Federal Rules of Criminal

1 Procedure, and may also be convicted as an adult of  
2 any lesser included offense.”.

3 **TITLE II—INCREASED FEDERAL**  
4 **RESOURCES TO DETER AND**  
5 **PREVENT AT-RISK YOUTH**  
6 **FROM JOINING ILLEGAL**  
7 **STREET GANGS**

8 **SEC. 201. DESIGNATION OF AND ASSISTANCE FOR “HIGH IN-**  
9 **TENSITY” INTERSTATE GANG ACTIVITY**  
10 **AREAS.**

11 (a) DEFINITIONS.—In this section the following defi-  
12 nitions shall apply:

13 (1) GOVERNOR.—The term “Governor” means  
14 a Governor of a State or the Mayor of the District  
15 of Columbia.

16 (2) HIGH INTENSITY INTERSTATE GANG ACTIV-  
17 ITY AREA.—The term “high intensity interstate  
18 gang activity area” means an area within a State  
19 that is designated as a high intensity interstate gang  
20 activity area under subsection (b)(1).

21 (3) STATE.—The term “State” means a State  
22 of the United States, the District of Columbia, and  
23 any commonwealth, territory, or possession of the  
24 United States.

1 (b) HIGH INTENSITY INTERSTATE GANG ACTIVITY  
2 AREAS.—

3 (1) DESIGNATION.—The Attorney General,  
4 after consultation with the Governors of appropriate  
5 States, may designate as high intensity interstate  
6 gang activity areas, specific areas that are located  
7 within 1 or more States.

8 (2) ASSISTANCE.—In order to provide Federal  
9 assistance to high intensity interstate gang activity  
10 areas, the Attorney General shall—

11 (A) establish criminal street gang enforce-  
12 ment teams, consisting of Federal, State, and  
13 local law enforcement authorities, for the co-  
14 ordinated investigation, disruption, apprehen-  
15 sion, and prosecution of criminal street gangs  
16 and offenders in each high intensity interstate  
17 gang activity area;

18 (B) direct the reassignment or detailing  
19 from any Federal department or agency (sub-  
20 ject to the approval of the head of that depart-  
21 ment or agency, in the case of a department or  
22 agency other than the Department of Justice)  
23 of personnel to each criminal street gang en-  
24 forcement team;

1 (C) provide all necessary funding for the  
2 operation of the criminal street gang enforce-  
3 ment team in each high intensity interstate  
4 gang activity area; and

5 (D) provide all necessary funding for na-  
6 tional and regional meetings of criminal street  
7 gang enforcement teams, and all other related  
8 organizations, as needed, to ensure effective op-  
9 eration of such teams through the sharing of  
10 intelligence, best practices and for any other re-  
11 lated purpose.

12 (3) COMPOSITION OF CRIMINAL STREET GANG  
13 ENFORCEMENT TEAM.—The team established pursu-  
14 ant to paragraph (2)(A) shall consist of agents and  
15 officers, where feasible, from—

16 (A) the Federal Bureau of Investigation;

17 (B) the Drug Enforcement Administration;

18 (C) the Bureau of Alcohol, Tobacco, Fire-  
19 arms, and Explosives;

20 (D) the United States Marshals Service;

21 (E) the Directorate of Border and Trans-  
22 portation Security of the Department of Home-  
23 land Security;

24 (F) the Department of Housing and Urban  
25 Development;



1 (G) State and local law enforcement; and

2 (H) Federal, State, and local prosecutors.

3 (4) CRITERIA FOR DESIGNATION.—In consid-  
4 ering an area for designation as a high intensity  
5 interstate gang activity area under this section, the  
6 Attorney General shall consider—

7 (A) the current and predicted levels of  
8 gang crime activity in the area;

9 (B) the extent to which violent crime in  
10 the area appears to be related to criminal street  
11 gang activity, such as drug trafficking, murder,  
12 robbery, assaults, carjacking, arson, kidnap-  
13 ping, extortion, and other criminal activity;

14 (C) the extent to which State and local law  
15 enforcement agencies have committed resources  
16 to—

17 (i) respond to the gang crime prob-  
18 lem; and

19 (ii) participate in a gang enforcement  
20 team;

21 (D) the extent to which a significant in-  
22 crease in the allocation of Federal resources  
23 would enhance local response to the gang crime  
24 activities in the area; and

1 (E) any other criteria that the Attorney  
2 General considers to be appropriate.

3 (c) ADDITIONAL ASSISTANT U.S. ATTORNEYS.—The  
4 Attorney General is authorized to hire 94 additional As-  
5 sistant United States attorneys to carry out the provisions  
6 of this section. Each attorney hired under this subsection  
7 shall be assigned to a high intensity interstate gang activ-  
8 ity area.

9 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
10 are authorized to be appropriated—

11 (1) \$50,000,000 for each of the fiscal years  
12 2010 through 2014 to carry out subsection (b); and

13 (2) \$7,500,000 for each of the fiscal years 2010  
14 through 2014 to carry out subsection (c).

15 **SEC. 202. GRANTS TO STATE AND LOCAL PROSECUTORS TO**  
16 **COMBAT VIOLENT CRIME AND TO PROTECT**  
17 **WITNESSES AND VICTIMS OF CRIMES.**

18 (a) IN GENERAL.—Section 31702 of the Violent  
19 Crime Control and Law Enforcement Act of 1994 (42  
20 U.S.C. 13862) is amended—

21 (1) in paragraph (3), by striking “and” at the  
22 end;

23 (2) in paragraph (4), by striking the period at  
24 the end and inserting a semicolon; and

25 (3) by adding at the end the following:

1 “(5) to hire additional prosecutors to—

2 “(A) allow more cases to be prosecuted;

3 and

4 “(B) reduce backlogs;

5 “(6) to fund technology, equipment, and train-

6 ing for prosecutors and law enforcement in order to

7 increase accurate identification of gang members

8 and violent offenders, and to maintain databases

9 with such information to facilitate coordination

10 among law enforcement and prosecutors; and

11 “(7) to fund technology, equipment, and train-

12 ing for prosecutors to increase the accurate identi-

13 fication and successful prosecution of young violent

14 offenders.”.

15 (b) AUTHORIZATION OF APPROPRIATIONS.—Section

16 31707 of the Violent Crime Control and Law Enforcement

17 Act of 1994 (42 U.S.C. 13867) is amended to read as

18 follows:

19 **“SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.**

20 “There are authorized to be appropriated

21 \$20,000,000 for each of the fiscal years 2010 through

22 2014 to carry out this subtitle.”.

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